

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31
Sacramento, CA 95814



January 28, 1987

ALL COUNTY LETTER NO. 87-15

TO: All County Welfare Directors
All Public and Private Adoption Agencies
All SDSS Adoptions District Offices

SUBJECT: ADOPTION AGENCIES - ACKNOWLEDGMENT OF RELINQUISHMENTS
AND ACTIONS IN LIEU OF RELINQUISHMENTS

Assembly Bill 3855 (Chapter 767, Statutes of 1986) amends Civil Code Section 226.6 effective January 1, 1987 to simplify and clarify responsibility for the preparation of court reports in agency (relinquishment) adoptions. These amendments will result in a change in the way the Department acknowledges relinquishments and actions in lieu of relinquishments. This letter describes the change to Section 226.6, some of the factors the Department will use to determine whether to file a court report in an agency adoption and the form which will be used for acknowledgments.

Court Report

Prior to the January 1, 1987 amendments, the State Department of Social Services (SDSS) was required to prepare or waive a court report in the relinquishment adoption program. Civil Code Section 226.6, as amended, makes the preparation of a court report by SDSS in a relinquishment adoption a discretionary activity rather than a requirement. Therefore, SDSS will no longer be required to waive its court report.

The Department will submit a report to the court when there is an irregularity in the placement that must be brought to the court's attention. Of course, prior to submitting such a report, the Department will work with the adoption agency in an attempt to resolve the irregularity so that the report would not be necessary. This process is essentially the same one that the Department has used in the past to determine whether it should waive its court report.

Effective January 1, 1987 the law will require the placing agency to prepare a report to the court in all agency adoption cases. Although this is a change in law, it is not a change in current practice as 22 CAC 30657 requires this report.

Acknowledgment and Waiver/Confirmation

In conjunction with the change in Civil Code Section 226.6, the Department combined the "Acknowledgment of the Filing of Adoption Relinquishment(s)-Notice of Action(s) in Lieu of Relinquishment-Waiver of Report of State Department of Social Services" form (AD 906) and the "Confirmation of Receipt of Documents and Request for Further Information" form (AD 582) to improve operational efficiency. A copy of the revised form, "Acknowledgment and Confirmation of Receipt of Relinquishment Documents" (AD 4333), is attached.

Assembly Bill 3855 also amended sections of the Revenue and Taxation Code and the Welfare and Institutions Code to change the term "hard-to-place child" to "special needs child," to be consistent with federal terminology. This change is non-substantive and will have no effect on the provision of adoption services.

If you have any questions, please contact your Adoption Program Consultant at (916) 322-5973 (ATSS 492-5973).



LOREN D. SUTER
Deputy Director
Adult and Family Services Division

Attachment

cc: CWDA

ACKNOWLEDGMENT AND CONFIRMATION OF RECEIPT OF RELINQUISHMENT DOCUMENTS

TO ADOPTION AGENCY	STATE CASE NUMBER
CHILD'S NAME	BIRTHDATE

This will confirm receipt and/or filing of the following documents:

- ☐ Relinquishment(s) signed by ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
☐ Filed on ☐ Signed on
- ☐ Action(s) in lieu of relinquishment for ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
Filed on _____
- ☐ Waiver signed by Alleged natural father(s) ☐ Denial of paternity signed by Alleged natural father(s)
☐ Filed on ☐ Signed on

☐ ACKNOWLEDGMENT CANNOT BE ISSUED FOR REASON(S) CHECKED BELOW:

I. FORM AD 90

- ☐ Not enclosed
- ☐ Competency clearance not clearly established for ☐ Mother ☐ Presumed Father(s)
☐ Alleged Natural Father(s) Relinquishing (California Administrative Code, Title 22, Section 30623).
- ☐ Competency Section unmarked re: ☐ Mother ☐ Presumed Father(s)
☐ Alleged Natural Father(s) Relinquishing
- ☐ Marriage verifications. (California Administrative Code, Title 22, Section 30595).
- ☐ Marriage dissolution verifications. (California Administrative Code, Title 22, Section 30595).
- ☐ Section _____ not completed.

II. RELINQUISHMENT, WAIVER, DENIAL

- ☐ Incomplete. ☐ Mother's ☐ Presumed Father's ☐ Alleged Natural Father's (See comments below.)
- ☐ Alteration or Correction on relinquishment of ☐ Mother ☐ Presumed Father(s)
☐ Alleged Natural Father(s) (California Administrative Code, Title 22, Section 30619.)
- ☐ Agency name on relinquishment of ☐ Mother ☐ Presumed Father(s) ☐ Alleged Natural Father(s) not listed as licensed
(California Administrative Code, Title 22, Section 30617.)
- ☐ Wrong relinquishment form utilized for ☐ Mother ☐ Presumed Father(s)
☐ Alleged Natural Father(s)

III. ACTION IN LIEU OF RELINQUISHMENT (AD 551-A)

- ☐ Not enclosed
- ☐ Incomplete
- ☐ Not signed
- ☐ Not dated

IV. CERTIFICATION

- ☐ Not attached
- ☐ Not signed
- ☐ Not dated

V. FURTHER INFORMATION NEEDED

- ☐ Further information needed to verify child is legally free from:
☐ Mother ☐ Presumed Father(s) ☐ Alleged Natural Father(s)

VI.

Returning Forms _____ ☐ Please correct and return

VII. COMMENTS:

☐ ACKNOWLEDGMENT ISSUED

IN WITNESS WHEREOF, I have hereunto set my hand this _____

day of _____ 19____

Chief, Adoptions Branch
Department of Social Services

By _____